

FILED

MAY -8 2013

May 5, 2013

Defense Motion

AT O'CLOCK

Lawrence K. Baerman, Clerk - Syracuse

Joseph Jenkins

enc: April 28, 2013 Discovery Request

7445 County House Rd

CASE 5:11-cr-00602-GTS

Auburn, NY 13021

US District Court

US Attorney

PO Box 7396

100 South Clinton St

Syracuse, NY 13261-7396

Syracuse, NY 13261-7198

RE: US vs Jenkins

Defense motion for immediate production of Discovery in possession of the government, or available otherwise.

I Background

On May 25, 2009 The US government began a joint investigation into myself in collaboration with Canadian Officials.

On May 26, 2009 I was detained and questioned by Border Patrol and DHS (Department Homeland Security) searched and questioned.

On September 13, 2010 I attended court in Brockville Canada scheduled six months in advance and sixteen months into a Canadian police investigation after being charged with Importation of child pornography by Canadians on May 24, 2009.

On September 13, 2010 Court was adjourned after a hearing and police investigators admitted the forensic examination was less than half complete and they failed to meet discovery requirements. I was detained and questioned further by DHS.

No further attempt was made to complete the examination. On October 18, 2010 Council attended court on my

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behalf. Either an adjournment or dismissal was expected as the forensic examination was then less than half complete.

Reportedly prosecution brought officers to continue trial, judge allowed it, with an incomplete forensic examination, no allowed defense preparation time, without me the defendant.

Judge issued a warrant for my arrest in ~~Canada~~ Canada.

October 4, 2011 I was arrested + charged with similar US infractions

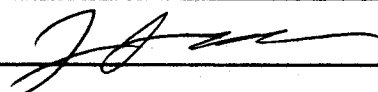
II Defense asks for production of all paperwork and forensic reports associated with this joint investigation to current date, as well as discovery requested to date. (April 28, 2013)

On October 21, 2010 Detective Wohler of Ontario Provincial Police turned over paperwork and Forensic Reports associated with the Canadian portion of the investigation to DHS Meyers as outlined on an American application for a search warrant.

Defense attaches a previous request which was the second in five months for discovery which has been ignored. This is also required in its entirety, so we may continue our investigation.

III Conclusion

Prosecution has intentionally withheld materials acquired up to a year before my US detainment with intent to cover up joint investigations, tampering with evidence, avoiding proper and formal extradition proceedings. Defense seeks this immediately, unlawful US proceedings and detention to date may be a result.



Joseph Jenkins

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Response to Document #64

Joseph Jenkins

CASE 5:11-cr-00602-GTS

7445 County House Rd

Auburn, NY 13021

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US Attorney

PO Box 7396

100 South Clinton St

Syracuse, NY 13261

Syracuse, NY 13261-7198

RE: US vs Jenkins

RE: United States motion for a FARETTA HEARING (5-1-13)

The defense opposes this motion.

I Background

On 11/08/2012 The Court terminated defense council at the recommendation of the Government. Far into the case. (Igit)

I decided not to retain Mr Parry because of poor performance and after giving him the chance numerous times to correct his mistakes and admit dishonesty he failed to do so.

Family members have searched for attorneys through attorneys at considerable time and cost. Eight attorneys turned down the case. One attorney I spoke with did not submit any defensive plan to my liking, but still would do the case. I told her I would get back to her after I acquired discovery and decided how I wanted to proceed. (Last Month and a half)

On December 4th 2012 (or about) I was visited by Mr Parry who told me he was no longer representing me and left. He told me to expect a pre trial conference shortly after December 10th 2012.

On or About Jan 9th I requested status of Conference.

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I got no reply from the court. (Status of my case)

On or about Jan 10, 2013 I sent a letter to Parry (No reply) inquiring about holdups - made my intention known I did not want an appeal or any further delays. (Copy was forwarded)

Believing I was unrepresented I made requests for missing discovery January 22, 2013 and March 20, 2013.

Still being without an attorney and not being able to hire one on March 31, 2013 - I submitted a request to represent myself to move things along.

Around April 7th 2013 - I found out Mr Parry tied up my case with an appeal I did not ask for. I promptly sent in a letter to withdraw it.

April 15th - It was withdrawn.

I would like the court to take note of the Jan 10th 2012 letter to Mr Parry to possibly give this case consideration to move through motions quickly as possible and that four to five months or more delays were not my fault.

II Trial Court should move ahead, denying any questions made of my abilities to represent myself adequately by the government, or implied.

I believe I more than adequately addressed all of the issues in my April 28 submissions. Please review it.

My 'Letter of Intent' and 'Renewed discovery Requests' recently submitted more than adequately illustrate

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③

my understanding of all the workings of 'the system'.

I will add a few details, for the purpose of saving time.

I have an associates degree in Business Administration, I continued on another year with Accounting and Business Law classes.

I have been mostly self employed for over 25 years. I design and install residential, commercial, industrial electrical systems as well as backup generators and do technical support, sales and service as well for all of the above. I have personally been involved in jobs close to two million dollars and have contracted out (sub contracted) labor to projects in the tens of millions.

I have been involved with computers all my life. When I was very young, we had the first personal computers sold. This was when they took up a whole desk, cost five thousand dollars and were little more than a fancy typewriter. You also had to write a program to get them to tell you what the time/date was.

I and my family have been well known, well liked and well respected throughout the community. That is until relatively recently when the US government decided to get involved in my foreign affairs. They felt it necessary to send little wanna be commandos from Buffalo and Alex bay storming into town kicking down doors making a scene and blabbing unfounded facts to local police who are of little mind and should not be allowed to carry weapons, much like 'special agents' from DHS that I have encountered, recently.

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I am unfairly prejudiced being incarcerated without proper access to a law library, thank you for noticing. I have a few relatives do some basic research for me, enough to know what I'm dealing with for the time being.

I know this is another bullying technique used by the government and court to get what they want. They label everyone either a flight risk or danger to society to get their way.

III

Mixed Signals, make up your minds.

The government sought to remove a lawyer a year into trial, open up issues unrelated to the original charges to pursue other (additional) charges. The court of course allowed this. This of course put me in a difficult position and caused serious delays. To help advance the situation, I decided to represent myself and made some friendly discovery requests, only to find out this fell into some 'loophole' of 'Black out dates.'

After sorting this all out on my own, trying to get things back on track - cleaning up messes left by others, six months later. The prosecution is doubting my abilities to represent myself, as well as the court, after leaving me to fend for myself for six months, while the speedy trial clock was of course stopped.

Now, the court insisted on forcibly appointing a lawyer and seizing assets some eighteen months after denying me release based on what amounts to hearsay and garbage.

The prosecutor wants me once again to fill out a financial form that she accused me of filling out fraudulently the first time and seek a lawyer she had the court remove.

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IV

Summary

I Joseph Jenkins, the accused hereby certify that I will proceed 'pro se' for the current time and at least through the discovery phase of the proceeding as I once already indicated in my April 28 submissions.

I assure the court I am of sound mind and if I tend to rant occasionally it is only because of these mindless delays.

No Hearing is required for my benefit. I am aware of the "dangers and disadvantages" of proceeding without a lawyer - which is to say - I'm also aware of the disadvantages of proceeding with a lawyer - which seems to be no defense at all.

If the prosecution is worried I have failed to identify certain problems with the case, worry no more, I assure you, I have missed nothing. I have purposely chosen not to bring up certain issues yet, but they are lurking and will surface at the appropriate time.

V

Conclusion

The government is stalling. They do not wish to turn over certain information I've requested. Discovery is a small issue in this case, however, it is enough in itself to put the ky-bosh on their whole case. It is also enough enough to identify possible wrong doing, (not on my part).

I urge the court to quickly dispose of this motion so we may move onto bigger and better matters, and motions.

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VI

Post Note

I've had enough of the games. You all brought this about. If you want to proceed and put on a big show, give me what I've asked for and we will do it. Otherwise, once again stop wasting my time.

Ms Thomson, over a year ago at an informal meeting said something to the effect that- she was going to wield all of the power invested in her by the federal government to squash me like a bug.

I'm asking her to wield some of that power and obtain some paper work, most of it is in her possession, and mail it to me, it is all relatively simple. All the court and government know how to do is bully, enough of it, you've done it over a year and a half now.

VII

Post Note

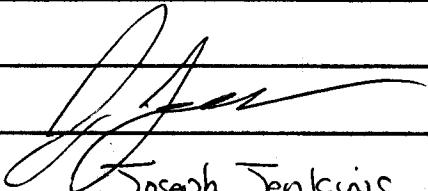
I was not aware of the last court date ahead of time, or any agenda. I did not receive the paper work until I returned. Jail holds mail an extra day.

VIII

Post Note

I am still open to talking with lawyers, I did not mean to imply I was totally against it. I do not want to wait any further for one. I wish to proceed ahead - until I find one that I find ~~one~~ qualified. I give family the option to attach a statement ~~when~~ they copy and mail it, if it can be done without delay. In regard to education, sophistication, family or otherwise.

encl.



Joseph Jenkins

April 28, 2013

Jenkins, Joseph

7445 Country House Rd

Auburn, NY 13021

US Attorney - Thomson

100 South Clinton St

Syracuse, NY 13261-7198

Judge Suddaby / Court Clerk

Syracuse District Court ^{PO BOX} 7396

Syracuse, NY 13261-~~7198~~

Re: US vs Jenkins - Renewed discovery requests

Dear Ms Thomson:

Due to a sort of technical glitch I have to resubmit my requests for discovery information. I have decided once again to represent myself after being left without an attorney. A year and a half or more into my arrest and detention trying to move Mr Arzys reign of incompetence in which no defensive materials were required for trial, apparently, aside.

So, here we go again. I do not have and have not seen any of the following. If you did provide them please notify me.

① On the American Application for a search warrant item #41 states on October 21, 2010 - OPP Wohler + conveniently provided DHS Meyers with Canadian Forensic Reports associated with the investigation into myself. This is almost a full year before my arrest, I believe from some preliminary reports I have or had seen that this could have been very use ful to date and could have offered evidence to use against my indictment. The defense asks for prompt production of this material. You obviously have it. CYP disclosure Package - (Category reports, xml files (information on location of files date and time with other technical aspects), Final Report) That would also include #39 warrants applied for and any other paper

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Jenkins - Request for Disclosure

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work and police reports acquired from Canadian officials.

② A DHS 'Examination Report' dated 8/10/2011 was provided to Mr Parry. This is incomplete and does not accurately and fully account for and classify all of the contents of the computer evidence.

On Page 5 the defense seeks the analysis files and all reports that are archived, maintained at the ICE-Buffalo Computer forensics lab. Eventually defense will wish to examine the physical evidence personally and require access to it and the CD's and DVD's with spreadsheets + reports. For now I want the paperwork no Image files. The 'examination report' is inadequate in itself and insufficient for defense purposes lacks 99% of needed info.

③ List of People that may have been interviewed upon investigating me. In June 2012 Mr Parry said "DHS went around interviewing everyone you know, and they all said bad things about you." I of course believe this to be one of his bullying/lying techniques to force a plea. However with the way DHS seemed to modify one statement before submitting it, which was very foolish I believe, I need to be sure, want a written response.

④ Border Cross Records and information - For some reason I was immediately detained upon returning to the US from attending court dates in Brackville, Canada. Upon pulling up to the guard booth, I was immediately asked for the keys from the ignition and then asked to step out of the vehicle while another officer came from the building and escorted me inside. Someone else then got into my vehicle and drove it to an inspection area while I was seated inside and asked not to watch what they were doing. I was then repeatedly questioned about

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Jenkins - Request for Disclosure

(3)

why I was in Canada and at one point taken to a private room and asked to sign a paper waiving my constitutional rights and questioned further (Rupp & Schneider) I think were the officers. On another occasion the same thing basically happened again but with (Willard) I think. I was accused of lying and smuggling a cell phone into the US although he never found one. Surely records of this must exist somewhere as I spent hours there in addition to my travel time on both occasions. Dates are 5-26-09 and 9-13-10.

There is Homeland (DHS) paperwork dated 5-26-09 that I was being investigated at the time by DHS and that the investigation would continue. Other paperwork dated 8-31-10 and 9-10-10 detailing communications with Canadian officials.

However none of this paperwork strangely enough does not say of their physical interference in the case ~~but~~ which seemed to be the result of a Canadian Investigation, both times.

Although all paperwork indicated "the investigation continues."

Needless to say the defense will be addressing this as there were witnesses between another vehicle I was traveling with and a statement from a Canadian attorney aware of 9-13-10.

The defense requests the paperwork and reports to these incidents which is being flagged subsequent to a Canadian Police Investigation by Computer or other means.

⑤ Transcripts from Canadian Court Proceedings - Since warrant for my arrest from these proceedings allegedly allowed for US (additional) interference in the matter the defense wants to explore why it happened.

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④

On 9-13-10 I attended a court date scheduled a full six months in advance and some fifteen months into a Canadian police investigation. There was approx 3-4 hours of testimony and excuses. This directly relates to the current case and physical evidence, defense requires this information to move forward.

On 10-18-10 Council appeared on my behalf and an adjournment was expected. I've heard different stories of what went on, but do not know for sure. Since it resulted in a warrant for my arrest ultimately - which supposedly allowed US interference - I require it.

• Item #1 is needed ASAP - all paperwork less image files - and I know exactly what should be included it so no games.

• Item #2 is relatively meaningless to me but something useful may be there and it should be provided. I need a complete analysis with category reports such as the Canadian Files are presented.

This would include what was deleted - I do not seek image files but all paperwork that can be sent to me at the jail as with #1

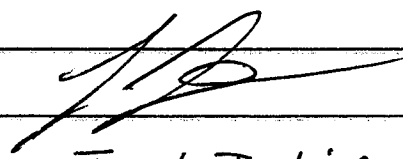
• Items #4,5 are absolutely needed to continue and should be available to government officials - both times I was flagged prior to being detained when the border guard did a 'double take' on the computer monitor momentarily & before. #5 is/has

been elusive as everything relevant to my needs. Possibly

because the case remains open/Trial ready - But that is exactly

one of the points. It is needed regardless.

• Item 1 is obviously in your possession Sincerely
and I hope the rest will not be
time consuming to obtain.



Joseph Jenkins

Enc - letter to Judge Suddaby

1/1/10

1-27-13

Joseph Jenkins

7445 County House Rd

Auburn, NY 13021

January 27, 2013

Stevens J. Edgley

9 Broad St, Suite 206

Brockville, Ontario, K6V6Z4

p 613-345-3899

Fax 613-345-0856

Dear Steve,

I am working to resolve my case in the US. However I am in a position where I cannot do much to help myself. Thanks to a lawyer I am trying to rid myself of (Jeffery Parry), from Syracuse. I have taken the lead in the defense myself for the time being and am trying to assemble important information he has not over the last 16 months.

I have been trying to acquire the court transcripts ~~for~~ from 2010 mainly, I have been getting the run around. The motion hearing in Brockville on 9-13-10 and whatever happened when I was not there 10-18-10.

I am going to trust you of course to keep this confidential. I am planning on submitting a motion to ~~dismiss~~ dismiss on mis-handling of evidence by both Canadians and Americans.

Much of it came out at the 11(b) hearing and it is essential to my case, however we have not been able to obtain that after noon of testimony.

I would like to enlist your help, we are more than willing to pay.

Steven Edgley-

1-27-13 (2)

If I or You cannot obtain the transcripts, please help me by doing the following:

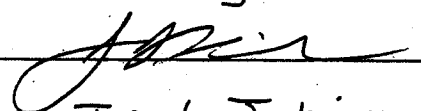
I need a legal statement (affidavit, here) to attest basically what the contents of the hearing were, actually just the type of testimony and what it was about. (From You, signed)

- ① There was a computer expert there from Toronto, his name (if you had a note of it somewhere or remember) and that he talked about the contents of the computer and who processed the information and who did the reports. (Both dates 9-13, 10-18-10)
- ② That there was testimony about the chain of custody.
- ③ That the evidence was there physically. (Both dates 9-13, 10-18-10)
- ④ OPP/CSES analysis was submitted incomplete. (not fully sorted)
- ⑤ Trial is open, still on the Docket
- ⑥ The Canadians (CSBA/OPP) made an issue over the cell phone I was carrying, on 9-13-10 when I was at court.
- ⑦ Why the transcripts cannot be obtained.

Like I said, let my parents know how much for you to do any of this, call them at (315-729-2342) cell or (954-596 0042) Florida or (315-789-7578) they can send you a check, or if you are not willing to do so, for some reason, please advise.

I am trying very hard to resolve this, the border officers on both sides acted inappropriately and I am very close to proving it, this will help greatly. My Parents can advise you where to send any Paperwork. Thanks.

Sincerely


Joseph Jenkins

Send Fax + Mail

Copy to me please

Joseph Jentini
7445 B. Howe Rd.
Auburn, N.Y. 13021-8297

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